#### PATENT COOPERATION TREATY

# **PCT**

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| Applicant's or agent's file reference  MEMMPA140PCT                          |   | FOR FURTHER A             | CTION                      | See Form PCT/IPEA/416                       |  |  |  |  |
|--|---|---------------------------|----------------------------|---|--|--|--|--|
|  |   | International filing dat  | e (day/month/year)         | Priority date (day/month/year)              |  |  |  |  |
| International application No. PCT/EP2004/002744                              |   | 17.03.200                 | , ,                        | 26.04.2003                                  |  |  |  |  |
|  |   |                           |                            | 20.04.2003                                  |  |  |  |  |
| International Patent Classification (IPC) or national classification and IPC |   |                           |                            |   |  |  |  |  |
| Applicant MEMMINGER-IRO GMBH   |   |                           |                            |   |  |  |  |  |
|  | <ol> <li>This report is the international preliminary examination report, established by this International Preliminary Examining Authority<br/>under Article 35 and transmitted to the applicant according to Article 36.</li> </ol>                 |                           |                            |   |  |  |  |  |
| 2. This REPO   | ORT consists of a total of _  | 8                         | sheets, including          | this cover sheet.                           |  |  |  |  |
| 3. This repor  | t is also accompanied by A  | NNEXES, comprising:       |                            |   |  |  |  |  |
| a. 🔀   | (sent to the applicant and  | to the International Bu   | reau) a total of 3         | sheets, as follows:                         |  |  |  |  |
| [  | sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). |                           |                            |   |  |  |  |  |
| [  | sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.               |                           |                            |   |  |  |  |  |
| b  |   | Bureau only) a total of   | (indicate type and number  | r of electronic carrier(s))                 |  |  |  |  |
|  |   |                           |                            | containing a sequence listing and/or tables |  |  |  |  |
|  | , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).                                |                           |                            |   |  |  |  |  |
| 4. This repor  | rt contains indications relati  | ing to the following iten | ns:                        |   |  |  |  |  |
| В  | ox No. I Basis of the   | e report                  |                            |   |  |  |  |  |
| В  | ox No. II Priority  |                           |                            |   |  |  |  |  |
| В  | ox No. III Non-establi  | ishment of opinion with   | regard to novelty, inventi | ive step and industrial applicability       |  |  |  |  |
|  |   | -                         |                            |   |  |  |  |  |
|  |   |                           |                            |   |  |  |  |  |
| В  | ox No. VI Certain doc   | cuments cited             |                            |   |  |  |  |  |
| Box No. VII Certain defects in the international application                 |   |                           | application                |   |  |  |  |  |
| Box No. VIII Certain observations on the international application           |   |                           |                            |   |  |  |  |  |
| Date of submission of the demand   |   |                           | Date of completion of the  | is report                                   |  |  |  |  |
| Name and mailing address of the IPEA/EP                                      |   |                           | Authorized officer         |   |  |  |  |  |
| Facsimile No   |   |                           | Telephone No               |   |  |  |  |  |

Translation

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| Box | No. I   | Basis of the report   |                                       |                                      |  |  |  |
|-----|---|---|---------------------------------------|--------------------------------------|--|--|--|
| 1.  |   | regard to the language, this report is based on the internation ated under this item.   | nal application in the language in v  | which it was filed, unless otherwise |  |  |  |
|     |   | This report is based on translations from the original language which is the language of a translation furnished for the purport      |                                       | ,                                    |  |  |  |
|     |   | international search (Rule 12.3 and 23.1(b))  |                                       |                                      |  |  |  |
|     |   | publication of the international application (Rule 12.4)  | )                                     |                                      |  |  |  |
|     |   | international preliminary examination (Rule 55.2 and/   | •                                     |                                      |  |  |  |
| 2.  | rece  | regard to the elements of the international application, this iving Office in response to an invitation under Article 14 are report): |                                       |                                      |  |  |  |
|     |   | the international application as originally filed/furnished   |                                       |                                      |  |  |  |
|     | $\boxtimes$   | the description:  |                                       |                                      |  |  |  |
|     |   | pages 1-18  |                                       | as originally filed/furnished        |  |  |  |
|     |   | pages*  | received by this Authority on         |                                      |  |  |  |
| l   |   | pages*  | received by this Authority on         |                                      |  |  |  |
|     | $\boxtimes$   | the claims:   |                                       |                                      |  |  |  |
|     |   | nos.  |                                       | as originally filed/furnished        |  |  |  |
|     |   | nos.*   |                                       | with any statement) under Article 19 |  |  |  |
|     |   | nos.* 1-16  |                                       | 20.01.2005 with letter               |  |  |  |
|     |   | nos.*   | · · ·                                 |                                      |  |  |  |
|     | $\boxtimes$   | the drawings:   | _                                     |                                      |  |  |  |
|     |   |   |                                       | as originally filed/furnished        |  |  |  |
|     |   | - · · · · · · · · · · · · · · · · · · ·   |                                       | <del></del>                          |  |  |  |
|     |   | sheets*   |                                       |                                      |  |  |  |
|     |   | sheets*   |                                       |                                      |  |  |  |
|     | 므   | a sequence listing and/or any related table(s) - see Supplem  | nental Box Relating to Sequence Li    | isting.                              |  |  |  |
| 3.  | Ш   | The amendments have resulted in the cancellation of:  |                                       |                                      |  |  |  |
|     |   | the description, pages  |                                       |                                      |  |  |  |
|     |   | the claims, nos.  |                                       |                                      |  |  |  |
|     |   | the drawings, sheets/figs   |                                       |                                      |  |  |  |
| İ   |   | the sequence listing (specify):   |                                       |                                      |  |  |  |
|     |   | any table(s) related to sequence listing (specify):   |                                       |                                      |  |  |  |
| 4.  |   | This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as f                 |                                       |                                      |  |  |  |
|     |   | the description, pages  | · · · · · · · · · · · · · · · · · · · |                                      |  |  |  |
|     |   | the claims, nos.  |                                       |                                      |  |  |  |
|     |   | the drawings, sheets/figs   |                                       |                                      |  |  |  |
|     |   | the sequence listing (specify):   |                                       |                                      |  |  |  |
|     | any table(s) related to sequence listing (specify): |   |                                       |                                      |  |  |  |
| *   | If it   | tem 4 applies, some or all of those sheets may be marked "sup   | perseded."                            |                                      |  |  |  |

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| Во | ox No. II Priority   | ╛ |
|----|--|---|
| 1. | This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:  |   |
|    | copy of the earlier application whose priority has been claimed (Rule 66.7(a)).  | ١ |
|    | translation of the earlier application whose priority has been claimed (Rule 66.7(b)).   |   |
| 2. | This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date. |   |
| 3. | Additional observations, if necessary:   |   |
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| Вох | No. V Reasoned statement citations and expla | t under Ar<br>nations sup | ticle 35(2) with regard to novelty, inventive step or industrial applicability; porting such statement |     |
|-----|--|---------------------------|--|-----|
| 1.  | Statement                                    |                           |  |     |
|     | Novelty (N)                                  | Claims                    | 1-16   | YES |
|     |  | Claims                    |  | NO  |
|     | Inventive step (IS)                          | Claims                    | 1-16   | YES |
|     |  | Claims                    |  | NO  |
|     | Industrial applicability (IA)                | Claims                    | 1-16   | YES |
|     |  | Claims                    |  | NO  |
|     |  |                           |  |     |

- 2. Citations and explanations (Rule 70.7)
  - 1. The closest prior art is described in DE-A-2 148 653, hereinafter referred to as D1, and acknowledged accordingly in the introductory part of the description in the application.

Both D1 and DE-A-19 613 385, hereinafter referred to as D2, already describe a thread feeding device (D1: 1; D2: figures 4 and 5) with a base body (D1: 5; D2: 7) that has a thread feeding apparatus (D1: 2; D2: 2) and at least one electrical device (D1: 4; D2: 3) with a fixing clamp (D1: 7, 7a, 8; D2: 13) for fixing the thread feeding device (D1: 7; D2: 2, 3, 7) to a textile machine (D1: S; D2 see column 1; lines 3-5), having at least one contact pin (D1: 10a; D2: 6) that is arranged on the fixing clamp (D1: 7, 7a, 8; D2: 13) for establishing contact with a conductor (D1: 13; D2: 5), and having a guide element (D1: 9; D2: 11, 12) arranged (see D1: figure 3; D2: figures 4 and 5) adjacently to the contact pin (D1: 10a; D2: 6), the guide element (D1: 9; D2: 11, 12) and the contact

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

pin (D1: 10a; D2: 6) being arranged movably with respect to each other (D1: page 8, lines 11-15; D2: column 6, lines 17-26).

The thread feeding device according to independent claim 1 differs therefrom in that the guide element is also arranged movably with respect to the base body.

Therefore, the subject matter of claim 1 appears to be novel and to meet the requirements of PCT Article 33(2).

2. None of the cited documents describes the use of guide elements that are movably attached to the base body in order to produce a device that can be connected correctly, in mechanical and electrical terms, to a textile machine in a simple and reliable manner. In the absence of any suggestion thereof in the known prior art, the combination of the above-mentioned features in a thread feeding device according to D1 or D2 does not appear to be obvious.

Therefore, the subject matter of independent claim 1 is also regarded as meeting the requirements of PCT Article 33(3).

3. The embodiments of the thread feeding device according to the dependent claims 2 to 16 contain all of the features of a thread

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; Box No. V citations and explanations supporting such statement feeding device according to claim 1. Therefore, the subject matter of dependent claims 2 to 16 is likewise regarded as meeting the requirements of PCT Article 33(2) and (3). The subject matter of claims 1 to 16 appears 4. to be industrially applicable and therefore to meet the requirements of PCT Article 33(4).

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- The description does not meet the requirements of PCT Rule 5.1(a), because the description does not cite D2 as relevant prior art.
- 2. Independent claim 1 does not meet the requirements of PCT Rule 6.3(b), because the claim is not drafted in the requisite two-part form (see Box V.1) so as to delimit it over the closest prior art (D1).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Dependent claims 6, 8 and 12 relate to a mouth or a cable, the relation of which to the invention according to claim 1 is not clear. Therefore, claims 6, 8 and 12 do not appear to meet the requirements of PCT Article 6.